

September 6, 2017

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**RE: Response to Wireless Internet Service Provider Assoc. *Ex Parte* Presentation
WC Docket No. 10-90**

Dear Ms. Dortch:

On August 25, 2017, representatives from the Wireless Internet Service Providers Association (“WISPA”) met by telephone with the Wireline Competition Bureau and the Wireless Telecommunications Bureau to discuss the recommended propagation data the Federal Communications Commission (the “Commission”) included as Appendix A to its Public Notice¹ seeking comment on rate-of-return study areas that are potentially overlapped fully by unsubsidized competitors.² By this letter, NTCA–The Rural Broadband Association and Vantage Point Solutions respond to WISPA’s presentation.

As an initial matter, the standards for demonstrating propagation to which WISPA is now objecting are hardly novel or burdensome. To the contrary, they utilize standards that the Commission expects of wireless providers as a matter of course in modeling their coverage in the Lower 700 MHz band geographic benchmark filings. Specifically, the electronic mapping format spelled out by Public Notice³ requires that the wireless provider in that band include a technical narrative detailing the following:

- Engineering methodology
- Propagation model used for prediction
- Technology and bandwidth
- Provide the Forward and Reverse path link budget tables and assumptions including:
 - Minimum target downlink and uplink data rates corresponding to each link budget;
 - Minimum Signal to Interference plus Noise Ratio (SINR) for target data rates;
 - Minimum acceptable received signal levels for target data rates in terms of Received Signal Strength Indicator (RSSI); and
 - Maximum Allowable Path Loss (MAPL) for downlink and uplink based on the target data rates in the link budget and consistent with the coverage maps.
- RSSI value should be used to depict signal coverage on map
- Explanation describing how the system design supports the respective target data rates

¹ *Wireline Competition Bureau Publishes and Requests Comment on Rate-of-Return Study Areas Potentially 100 Percent Overlapped by Unsubsidized Competitors*, Public Notice, DA 17-760 (rel. Aug. 11, 2017).

² Notice of Oral *Ex Parte* Presentation by Stephen E. Coran on behalf of the Wireless Internet Service Provider Association, WC Docket No. 10-90 (Aug. 25, 2017).

³ *Wireless Telecommunications Bureau Establishes Electronic Map Format for Covered 700 MHz Band Licensee Construction Notifications*, Public Notice, DA 15-1193 (rel. Oct. 16, 2015).

Despite the well-settled proposition that such measures can represent an effective means of ascertaining wireless propagation – and ironically coming at a time when concerns about the variability of wireless coverage claims are a *cause celebre* in telecom policymaking circles⁴ – it appears that WISPA is proposing to the Commission that the wireless Internet service providers (“WISPs”) should be held to a lesser standard in providing details regarding the actual coverage capabilities of their networks. Such attempts at a free (or heavily reduced) pass should be rejected by the Commission as inconsistent with its own precedent and the unmistakable trend toward obtaining more accurate and granular data regarding coverage.

Nonetheless, WISPA asserts that the “most popular” software used by WISPs makes use of Irregular Terrain Model, enhanced for clutter based on a proprietary interpretation of the Hata data and a publicly available land cover database with approximately one arc-second resolution. Even if this software happens to be the “most popular,” that does not render it effective for determining actual coverage for policymaking (or any other) purposes. Indeed, there are likely “popular” methods of identifying mobile wireless coverage as well, and yet the Commission is in the process now of undertaking a significant data collection for Mobility Fund II purposes precisely because there is insufficient confidence that varying methods of coverage estimation necessarily yield accurate results.⁵

In the present case, if WISPA’s proposal were adopted, no one would be able to independently verify the overlap claims of an individual fixed wireless competitor unless more detail were provided as part of the filing. In addition, the assumptions proposed by WISPA may not be adequate when modeling all potential technologies and frequencies over a given area, especially when operating at higher frequencies, including millimeter wave. If not properly modeled, the coverage could easily be misstated. This is precisely why standards are necessary to determine coverage by individual operators in a given area, and the standards suggested in the Public Notice represent a reasonable starting point for such determinations.⁶

⁴ See *Defining and Mapping Broadband Coverage in America*, Hearing Before the Communications & Technology Subcommittee of the Energy and Commerce Committee, U.S. House of Representatives (June 21, 2017), available at: <https://energycommerce.house.gov/hearings/defining-and-mapping-broadband-coverage-america/>; see also, *Senators Grill FCC Nominees on Broadband Expansion*, Morning Consult (July 19, 2017), available at: <https://morningconsult.com/2017/07/19/senators-grill-fcc-nominees-broadband-expansion/> (“The nominees affirmed they are committed to working toward ensuring accurate data coverage moving forward.”).

⁵ See *Connect America Fund*, WC Docket No. 10-90; *Universal Service Reform - Mobility Fund*, WT Docket No. 10-208, Order on Reconsideration and Second Report and Order (rel. Aug. 4, 2017), at ¶¶ 4-10.

⁶ We further note that this statement is made only with respect to the immediate process of identifying 100 percent competitive overlap to enable that process to move forward, and we continue to support development of even more effective standards that will yield better, more accurate data still with respect to purported coverage and competitive overlap as part of any subsequent processes. See, e.g., Petition for Reconsideration and/or Clarification of NTCA, WC Docket No. 10-90, *et al.* (filed May 25, 2016), at 15-17; *Ex Parte* Letter from Gerard J. Duffy, WTA Regulatory Counsel, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 10-90 (Oct. 24, 2016).

In fact, in addition to the technical narrative above, the Commission should require that any fixed wireless competitor submit details of their duplexing methodology as well as shapefiles for the signal coverage and transmitter sites consistent with DA 16-563⁷ – just again as providers do for purposes of confirming 700 MHz coverage.

The information required to be provided by wireless providers in DA 15-1193 and DA 16-563 is reasonable, logical, and not unduly burdensome. Indeed, without such information, it would be difficult, if not impossible, for the Commission, the rate-of-return carrier affected by the would-be competitor's claims, or any other party to independently verify the wireless provider's asserted coverage. To the contrary, using the simplistic approach outlined in the WISPA *ex parte* would merely take all parties involved right back to where things started – staring at ambiguous claims of propagation without any means of independently validating the veracity of those claims. With the ability of rural consumers to receive quality and affordable voice and broadband services hanging in the balance, the Commission and all stakeholders involved can and must do better.

For these reason, NTCA and Vantage Point Solutions encourage the Commission to look to and to employ standards and processes like those in DA 15-1193 and DA 16-563 for the purpose of validating wireless coverage claims in the context of identifying possible 100 percent competitive overlap.

Thank you for your attention to this matter. A copy of this letter is being filed via ECFS.

Sincerely,

/s/ Michael R. Romano

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⁷ 700 MHz Construction and Reporting Requirements and Related Deadlines, Public Notice, DA 16-563 (rel. May 19, 2016).